

**Assembly Bill No. 698**

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Passed the Assembly September 7, 2005

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*Chief Clerk of the Assembly*

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Passed the Senate September 6, 2005

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Section 6357 to the Penal Code, relating to media access to prisons.

## LEGISLATIVE COUNSEL'S DIGEST

AB 698, Haynes. Corrections: media access.

Existing law grants certain rights to inmates in state prisons. Existing regulation allows media representatives access to state prisons with prior approval, and allows random interviews with inmates.

This bill would require the Department of Corrections and Rehabilitation, upon reasonable notice, to permit representatives of the news media to interview prisoners in person, as specified, and would prohibit the interview of a prisoner or parolee against his or her will. The bill would forbid retaliation against an inmate for participating in a visit by or communicating with a representative of the news media.

*The people of the State of California do enact as follows:*

SECTION 1. It is the intent of the Legislature in enacting this act to facilitate the public's ability to obtain information, through the news media, about the operation of the state's prisons and the effectiveness of its laws and to hold inmates publicly accountable for their words and actions. Representatives of the news media may visit a prison for the purpose of preparing such reports about the institution, including by interviewing individual prisoners. The intent of this act is to ensure a better-informed public, not to provide publicity for an inmate.

SEC. 2. Section 6357 is added to the Penal Code, to read:

6357. (a) The Department of Corrections and Rehabilitation, upon reasonable notice, shall permit representatives of the news media to interview prisoners in person, including prearranged interviews with specified prisoners and individuals encountered by a representative of the news media while covering a facility tour, activity, event or program.

(b) During any interview with a prisoner, a representative of the news media may use materials necessary to conduct the

interview, including, but not limited to, pens, pencils, papers, and audio and video recording devices. These items shall be subject to search for the purpose of protecting against an immediate and direct threat to the security of the institution.

(c) A news media representative who desires to conduct a personal interview at an institution shall make the request within a reasonable time period prior to the requested interview in writing to the warden or through contact with the institution's public relations office.

(d) Staff shall notify an inmate of each interview request, and no interview shall be permitted without the inmate's consent.

(e) An inmate may not receive compensation or anything of value for interviews with the news media.

(f) The warden or the warden's designated public-relations or custodial official shall within 48 hours of receiving an interview request, notify the news media representative making the request whether the interview has been granted.

(g) After the warden or the warden's designated public-relations or custodial official grants a request for an interview, staff shall, at least two business days prior to the interview, notify any victims of the inmate who have previously notified the warden or the Department of Corrections and Rehabilitation that they wish to be contacted in the event of an interview request that an interview has been granted.

(h) The warden or his or her designee may deny a personal interview with a particular prisoner if it is determined that the interview would pose an immediate and direct threat to the security of the institution or the physical safety of a member of the public. Within a reasonable period of time, the representative of the news media shall receive an explanation of the specific reasons for the denial. In order to ensure the security of the institution, the physical safety of the public and the efficient administration of news media interviews, the department may establish reasonable time, place, and manner restrictions for prison interviews, including limitations on the number of interviews per prisoner in a specified time period, limitations on the amount of audio, video and film equipment entering the facility for the interview and arrangements for pool interviews if the number of journalists requesting to interview any one prisoner is excessive.

(i) No prisoner or parolee may have his or her visitation limited or revoked because of a visit or potential visit from a representative of the news media, nor may a prisoner or parolee be punished, reclassified, disciplined, transferred to another prison against his or her wishes, or otherwise retaliated against, for participating in a visit by or communicating with a representative of the news media.

(j) Interviews shall not be subject to auditory monitoring.

(k) For the purposes of this section, “representative of the news media” means a journalist who works for, or is under contract to, a newspaper, magazine, wire service, book publisher, or radio or television program, or station or who, through press passes issued by a governmental or police agency, or through similar convincing means, can demonstrate that he or she is a bona fide journalist engaged in the gathering of information for distribution to the public.







Approved \_\_\_\_\_, 2005

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*Governor*